

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KATIE WISBER,

Plaintiff,

v.

DONALD MARSHALL,

Defendant.

Case No. 08-cv-00075 -JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Notice of Voluntary Dismissal (Doc. 3) filed by plaintiff Katie Wisber. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) a plaintiff has an absolute right to dismiss an action without a court order at any time before service by an adverse party of an answer or of a motion for summary judgment, whichever first occurs. The defendant had not yet filed an answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss this case at the present time, the Court finds that this action is **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: February 20, 2008**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**